

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

IN RE:

HOLIDAY HAM HOLDINGS, LLC

CASE NO. 23-23313-rmh

DEBTOR-IN-POSSESSION

CHAPTER 11

SUBCHAPTER V

EXPEDITED MOTION TO SUBSTANTIVELY CONSOLIDATE
CASE WITH HOLIDAY ERIN, LLC

Comes now Holiday Ham HoldingsLLC and moves on expedited motion pursuant to Fed. Bankr. Rule of Proc. 1015(b) to substantively consolidate the above named and numbered case with Holiday Erin, LLC (Debtor-in-Possession and/or DIP) (hereafter “Motion”).as follows:

1. The Debtor-in-Possession filed the Chapter 11, Subchapter V petition for relief on July 7, 2023 and Holiday Erin, LLC filed relief under Chapter 11, Subchapter V on July 28, 2023 (Case No. 23-23685) with petition granted on same date to stop shut down of business. Craig M. Geno was appointed the Chapter 11 Subchapter V Trustee in both cases. Both cases are assigned to same Judge.
2. This motion is being filed to request a substantive consolidation of both cases.
3. The Debtor-in-Possession is a the holding company of the subsidiary Holiday Erin,LLC (hereafter “Holiday Erin”) which has no assets and the only liability listed on the petition is to the landlord, Erinway Partners, L.P . Since filing Debtor is of the opinion that there is an unsecured debt to Toast by Holiday Erin for \$68,222. Toast is an existing creditor of HHH. Schedules filed for Holiday Erin will include the debt to Toast. Therefore the only creditors in Holiday Erin are common creditors in both cases.
4. Holiday Erin had a bank account prior to Chapter 11 filing through HHH but it has been closed. The prior account was a sweep account and the money swept each night and deposited into the accounts of HHH.

5. HHH paid all bills and expenses of the Holiday Erin and will continue to pay the bills and expenses of Holiday Erin during the case.
6. A Consolidated Plan will be anticipated to be filed on behalf of DIP and Holiday Erin in consolidated form.
7. Holiday Erin has limited financial records as operated as a subsidiary and profit center only of HHH including but not limited to all taxes were filed by and paid by HHH.
8. The requested consolidation is in the best interest of creditors of both estates. It is necessary to avoid unnecessary costs and expenses if the Court consolidates on this expedited basis such as the motion by Holiday Erin to waive the requirement of a separate bank account in this case. (ECF No. 17 in case of Holiday Erin). The parties urge the Court to consolidate these cases so there is no duplication of attorney time and expenses and allow the Debtors an orderly plan of liquidation.

WHEREFORE Debtor-in-Possession requests the substantive consolidation of the case of Holiday Ham Holdings, LLC and Holiday Erin LLC for the facts and circumstances as stated above and such other and further relief as is just in these matters..

Respectfully submitted,

/s/ Toni Campbell Parker
Toni Campbell Parker (TN #6984)
Attorney for Debtor-in-Possession
45 North Third Ave., Ste. 201
Memphis, TN 38103
901-483-1020

CERTIFICATE OF SERVICE

The undersigned counsel certifies she has sent notice by email or fax of the Motion for Consolidation in accordance with ECF Requirements on this 9th day of August, 2023 to the following parties:

Debtor

Attorney for US Trustee

E. Franklin Childress, Atty. For Lift

Locke H. Waldrop, Atty. For Erinway Partners, LLP

Matthew Murphy, Attorney for Pinnacle Bank

Adam Crider, Attorney for FirstBank

Bert Echols Atty. For Houston Levee Market, LLC

Thomas Forrester Atty for Kroger Limited Partnership

Subchapter V Trustee

Elijah Noel, Jr.

Walter Winchester, Atty. For Regions Bank

Secured Creditors of Debtor

Twenty Largest Unsecured Creditors

All Creditors and Parties requesting Notice.

/s/ Toni Campbell Parker
Toni Campbell Parker